

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

PAUL CLARENCE BAILEY, #1833504 §
VS. § CIVIL ACTION NO. 4:13cv502
COLLIN COUNTY, TEXAS, ET AL. §

ORDER OF DISMISSAL

Plaintiff Paul Clarence Bailey, a prisoner previously confined at the Collin County Detention Facility, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Amos L. Mazzant, who issued a Report and Recommendation concluding that the lawsuit should be dismissed for failure to obey an order and want of prosecution. Bailey has filed objections.

The history of the case reveals that the original complaint was filed on August 30, 2013. Bailey included a wide array of unrelated claims that occurred in various districts throughout Texas. On September 6, 2013, an order was issued severing the claims against the City of Dallas and the Dallas County Jail from the lawsuit and transferring them to the Northern District of Texas, Dallas Division. The order also severed the claims against the Texas Department of Criminal Justice and JPAY.com from the lawsuit and transferred them to the Northern District of Texas, Abilene Division. With respect to the claims that were appropriately filed in this court against Collin County, the City of Frisco, the City of Frisco Police Department, Frisco Police Chief Todd Renshaw, Frisco Police Officer Scott Greer and Frisco Police Sergeant Brian Sartain,

Bailey was ordered to submit his claims on the standardized § 1983 lawsuit form that has been adopted and required by the court. He was instructed to limit his amended complaint to these defendants. He was given multiple chances to comply with the order, but he failed to do so. Hence the Report and Recommendation was issued to dismiss the case for failure to obey an order and want of prosecution.

In his objections, Bailey asserted that he had been physically unable to comply with the order and that he would submit the requisite amended complaint within five days. On December 27, 2013, he submitted a motion for leave to file an amended complaint, along with a proposed amended complaint. Once again, however, he did not comply with the court's order. Compared to the original complaint, his proposed amended complaint went from 10 to 33 defendants, with new claims included against prison officials located outside of the Eastern District of Texas. He did not limit his claims to the six defendants remaining in this lawsuit. He also failed to comply with the order to submit his claims on the standardized § 1983 lawsuit form. The motion for leave to file an amended complaint was thus denied. Bailey persists in refusing to obey the court's orders.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Bailey to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Bailey's objections are without merit. It is therefore

ORDERED that the complaint is **DISMISSED** without prejudice for failure to obey an order and want of prosecution. Fed. R. Civ. P. 41(b). All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this **13** day of **January, 2014**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge